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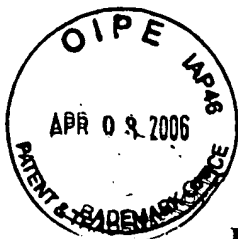
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/016,276	
	Filing Date	December 6, 2001	
	First Named Inventor	Barrus	
	Art Unit	3763	
	Examiner Name	Catherine Williams	
Total Number of Pages in This Submission	16	Attorney Docket Number	S-8492 US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition Renewed (2 copies)	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
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<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm Name	Tyco Healthcare Group LP	
Signature	<i>Douglas E. Denninger</i>	
Printed name	Douglas E. Denninger	
Date	3/30/06	Reg. No. 31,752

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: <i>Mail Stop Petition</i>		
Signature	<i>Vivian A. Carroll</i>	
Typed or printed name	Vivian Carroll	Date 3/30/06

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

**Attorney Docket No.: 20518/62 (S-8492)**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re APPLICATION OF: Barrus et al.

EXAMINER: Catherine Williams

APPLICATION SERIAL NO: 10/016,276

GROUP: 3763

FILED: December 6, 2001

CONFIRMATION No.: 4052

FOR: SAFETY SHIELD FOR MEDICAL NEEDLES

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 cfr 1.8)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commission for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

By: Quinn A. Cordell

Date: 3/30/06

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**RENEWED PETITION TO CLAIM BENEFIT UNDER**  
**35 U.S.C. 120 OF PRIOR FILED APPLICATIONS**  
**(37 C.F.R. 1.78(a)(3) and 1.78(a)(6))**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicant hereby petitions, in accordance with 37 C.F.R. 1.78(a)(3) and 1.78(a)(6) to claim the benefit for the above referenced application under 35 U.S.C. 120 of prior applications (as presented in an Amendment dated May 11, 2004 in the above referenced application, copy enclosed).

2. The earlier petition to claim benefit under 35 U.S.C. 120 of prior filed applications under 37 C.F.R. 1.78 (a)(3), was mailed November 9, 2004. The earlier petition, was accompanied by:

- (i) the reference required by 35 U.S.C. 120 and paragraph (a)(2) of 37 C.F.R. 1.78 to the prior – filed applications;
- (ii) the surcharge fee set forth in 37 C.F.R. 1.17(t), in the amount of \$1,370.00; and
- (iii) the statement by Applicant that the entire delay between the date the claim for the benefit of the prior – filed applications was due under paragraph (a)(2)(ii) of 37 C.F.R. 1.78 and the date the claim was filed was unintentional.

3. A Decision on Petitions under 37 C.F.R. 1.78 (a)(3) and 1.78 (a)(6) was mailed August 26, 2005, dismissing the petitions, indicating that the petition did not comply with the reference required by 35 U.S.C. 120 and 37 C.F.R. 1.78 (a)(2)(i) and 1.78 (a)(5)(i) of the prior - filed application. The Decision on Petitions stated that the reference to add the prior – filed applications on page one following the first sentence of the specification was not acceptable as drafted since the reference to add improperly incorporated by reference the prior – filed applications. Moreover, the Decision on Petitions stated that the reference to add prior – filed applications cannot include an application that claims priority to a subsequently filed application. As a result, the Decision on Petitions concluded that there must be submitted by Applicants a substitute amendment properly claiming benefit of prior – filed applications and deleting the incorporation by reference statement regarding the prior – filed applications, along with a renewed petition.

4. Accordingly, Applicants have submitted the present renewed petition to claim the benefit under 35 U.S.C. 120 of prior filed applications under 37 C.F.R. 1.78 (a)(3) and (a)(6).

5. The following is the reference required by 35 U.S.C. 120 and paragraphs (a)(3) and (a)(6) of 37 C.F.R. 1.78 to the prior – filed applications, amended as required by the Decision on Petitions under C.F.R. 1.78 (a)(3) and (a)(6), mailed August 26, 2005:

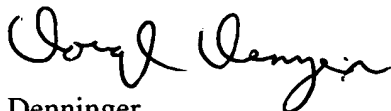
**CROSS-REFERENCE TO RELATED APPLICATIONS**

This application is a continuation-in-part of U.S. patent application Serial No. 09/892,593, filed June 27, 2001, which is a continuation-in-part of U.S. patent application Serial No. 09/433,449, filed November 4, 1999, now U.S. Patent No. 6,280,420, and U.S. patent application Serial No. 09/434,036, filed November 4, 1999, now U.S. Patent No. 6,254,575, and U.S. patent application Serial No. 09/619,190 filed July 19, 2000, now U.S. Patent No. 6,592,556, and which U.S. patent application Serial No. 09/892,593, filed June 27, 2001, claims priority to U.S. Provisional patent application Serial No. 60/254/506, filed December 8, 2000, U.S. Provisional patent application Serial No. 60/275,810, filed March 14, 2001, U.S. Provisional application Serial No. 60/275,886, filed March 14, 2001 and U.S. Provisional patent application Serial No. 60/296,968, filed June 8, 2001.

6. The required surcharge to accompany the petition to accept an unintentionally delayed claim under 35 U.S.C. 120 and 37 C.F.R. 1.78 (a)(3) and (a)(6) is \$1,370.00, as set forth in 37 C.F.R. 1.17 (t). It is understood that this surcharge need not accompany the present Renewed Petition, since the surcharge of \$1,370.00 was paid in connection with the petition mailed November 9, 2004.

7. Furthermore, Applicants state that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. 1.78 and the date the claim was filed was unintentional.

Respectfully submitted



Douglas Denninger  
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USPTO TRANSMITTAL

Atty Initials: MSL/map

Docket No.: 20518/62 (f/k/a 20518/10/24.2)

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon. Kindly acknowledge receipt by date stamping and placing this card in the outgoing mail.

Inventor(s): Barrus et al.

Mailing Date: May 11, 2004

Appl No.: 10/016,276

Client: Tyco Healthcare Group L

Filing Date: December 6, 2001

Patent No.

Issue Date:

Title: Safety Shield for Medical Needles

Enclosed is:

Certificate of Mailing dated May 11, 2004 via First Class Mail

- Amendment Transmittal (1 pg)
- Amendment (12 pages)

USPTO TRANSMITTAL

Atty Initials: MSL/map

Docket No.: 20518/62 (f/k/a 20518/10/24.2)

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon. Kindly acknowledge receipt by date stamping and placing this card in the outgoing mail.

Inventor(s): Barrus et al.

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Title: Safety Shield for Medical Needles

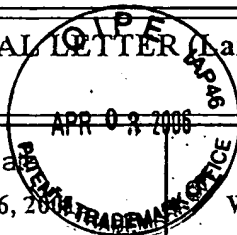
Enclosed is:

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- Amendment Transmittal (1 pg)
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<b>AMENDMENT TRANSMITTAL LETTER (Large Entity)</b> Applicant(s): Barrus et al.	Docket No. 20518/62 (t/k/a 20518/10/24.2)
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Serial No. 10/016,276	Filing Date December 6, 2004	Examiner Williams, Catherine Serke	Group Art Unit 3763
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Invention: SAFETY SHIELD FOR MEDICAL NEEDLES

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	21 -	40 =	0 x	\$18.00	\$0.00
INDEP. CLAIMS	3 -	4 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_
- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 500369
  - ☒ Any additional filing fees required under 37 C.F.R. 1.16.
  - ☐ Any patent application processing fees under 37 CFR 1.17.

*Signature*

Dated: May 11, 2004

Mark S. Leonardo, Esq. (Reg. No. 41,433)  
 Attorney for Applicant(s)  
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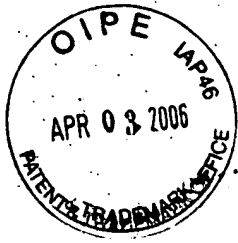
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*Signature of Person Mailing Correspondence*

Michelle A. Phinney

*Typed or Printed Name of Person Mailing Correspondence*

CC:



PATENT  
Docket No.: 20518/62 (S-8492)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barrus et al. Group: 3763  
Application No.: 10/016,276 Confirmation No.: 4052  
Filed: December 6, 2001 Examiner: Williams, Catherine Serke  
For: SAFETY SHIELD FOR MEDICAL NEEDLES

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to, Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

May 11, 2004  
Date

By: Michelle A. Phinney  
Michelle A. Phinney

AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner:

In response to the Office Action dated February 12, 2004, please consider the following amendments and remarks set forth below. Applicant hereby petitions for any extension of time that may be required to maintain the pendency of this case, and any required fee, for such extension is to be charged to Deposit Account No. 50-0369.

### IN THE SPECIFICATION

Please delete the first full paragraph corresponding to "Cross-Reference to the Related Applications," and replace the corresponding paragraph on page 1 of the specification:

### CROSS-REFERENCE TO RELATED APPLICATIONS

This patent application is a continuation-in-part of U.S. Utility Patent Application Serial No. 09/892,593, filed in the USPTO on June 27, 2001 by Ferguson et al., which is a continuation-in-part of U.S. Utility Patent Application Serial No. 09/433,449, filed November 4, 1999, U.S. Utility Patent Application Serial No. 09/434,036, filed November 4, 1999, and U.S. Utility Patent Application Serial No. 09/619,190, filed July 19, 2000, which claims benefit of U.S. Provisional Application Serial No. 60/254,506 filed in the USPTO on December 8, 2000 by Thorne et al., U.S. Provisional Application Serial No. 60/275,810, filed on March 14, 2001, U.S. Provisional Application Serial No. 60/275,886, filed March 14, 2001 and U.S. Provisional Application Serial No. 60/296,968 filed in the USPTO on June 8, 2001 by Barrus et al., the entire contents of each of these applications being hereby incorporated by reference herein.

### IN THE CLAIMS

Please amend Claims 1, 33 and 38 as follows:

1. (Amended) A safety shield apparatus comprising:

a needle having a distal portion and a proximal portion; and

a shield including at least one elongated part, the shield having a proximal end mounted with the proximal portion of the needle and a distal end mounted with a planar contact surface, the planar contact surface including a needle linear bearing that slidably facilitates movement of the needle relative to the shield, the shield being extensible between a retracted position and an extended position via fixed positioning of the planar contact surface relative to movement of the shield.